

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

MARIO H. CAPOGROSSO,

Plaintiff,

ORDER
18 CV 2710 (EK)(LB)

-against-

ALAN GELBSTEIN, *in his individual capacity*, IDA TRASCHEN, *in her individual capacity*, DANIELLE CALVO, *in her individual capacity*, SADIQ TAHIR, *in his individual capacity*, PEC GROUP OF NY, INC., DAVID SMART, and DMV COMMISSIONER MARK SCHROEDER, *in his official capacity*,

Defendants.

-----X

BLOOM, United States Magistrate Judge:

Pro se defendant David Smart requests *pro bono* counsel. ECF No. 143. There is no right to counsel in a civil case. Guggenheim Capital, LLC v. Birnbaum, 722 F.3d 444, 453 (2d Cir. 2013). The Court cannot compel an attorney to represent a litigant in a civil case without a fee. Mallard v. U.S. Dist. Court, 490 U.S. 296 (1989). Although the Court would prefer all parties to have access to counsel, there is no right to counsel. Accordingly, defendant's request for *pro bono* counsel is denied without prejudice.

Defendant Smart may contact The Federal Pro Se Legal Assistance Project, a free, limited-scope legal assistance clinic operated by the City Bar Justice Center of the New York City Bar Association. A copy of the City Bar Justice Center's flyer is included with this Order.

SO ORDERED.

Date: December 2, 2020
Brooklyn, New York

/S/
LOIS BLOOM
United States Magistrate Judge